

## THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of District of Columbia Housing Authority ("DCHA") hereby gives notice of its intent to adopt the following amendment to Chapter 61 of Title 14 DCMR in not less than fifteen (15) days from the date of publication of this notice in the D.C. Register. This notice supercedes the Notice of Proposed Rulemaking published at 50 DCR 1207-1229 (February 7, 2003). As these proposed regulations have been negotiated between the DCHA and advocates representing the DCHA's client base, the DCHA is not expecting to receive substantive comments. Based on the negotiated nature of these proposed regulations, DCHA will adopt the amendment in less than thirty (30) days.

The proposed amendment will make the following changes: provide notice of debt at the time a person is placed on a waiting list; revise the list of documents an applicant should bring to an eligibility interview; permit individuals who have been determined ineligible to receive a supervisory review or an informal conference and a review by an independent third party; simplify the interim recertification process; and re-order Chapter 61 for ease of use. These final rules will be effective upon publication of this notice in the D.C. Register.

Amendment: Delete the present language of Chapter 61 in its entirety and replace it with the new Chapter 61 to read as follows:

"CHAPTER 61                      ADMISSION AND RECERTIFICATION

- Secs.  
6100. Introduction to the Application Process  
6101. Application  
6102. Application Review  
6103. Waiting Lists  
6104. Temporary Closure of the Waiting List  
6105. Preferences for Public Housing  
6106. Eligibility  
6107. Eligibility Determination  
6108. Income Limits  
6109. Applicant Family Selection Criteria  
6110. Occupancy Standards  
6111. Tenant Assignment  
6112. Tenant Selection and Assignment: Families with Disabilities  
6113. Tenant Selection and Assignment: Comprehensive Modernization  
        Properties and New Developments  
6114. Move-In Requirements  
6115. Adding Individuals to the Lease and Live-In Aides  
6116. Recertification  
6117. Reporting Change of Income and Interim Recertification  
6118. Retroactive Rent Charges  
6119. Reasonable Accommodation Notification  
6120. Grievance Procedures

**6100 INTRODUCTION TO THE APPLICATION PROCESS**

- 6100.1 DCHA owns and operates rental housing properties in the District of Columbia under a program known as public housing and administers a Housing Choice Voucher Program that contracts with private landlords to provide rental housing to low and moderate income individuals and families. Households who participate in these programs pay rents as a percentage of their income known as a Total Tenant Payment.
- 6100.2 In order to receive public housing or Housing Choice Voucher Program assistance through DCHA, a person must file an application with the Client Placement Division in accordance with Section 6101. Once the application is filed, it will be dated and the applicant will be placed on the appropriate waiting list(s) in accordance with Section 6103.
- 6100.3 Periodically, as vacancies occur or are anticipated at DCHA owned and operated properties or as Housing Choice Vouchers become available, applicants at the top of the applicable waiting list(s) will interviewed in order to obtain and verify any and all information necessary to make an eligibility determination all in accordance with Sections 6106, 6107, 6108, and 6109. Eligible applicants for public housing will be placed in a selection pool and offered housing that meets their occupancy and accessibility needs as the appropriately sized units become available, see Section 6112 and 6113. Eligible applicants for the Housing Choice Voucher Program will be placed in a selection pool and offered a voucher as vouchers become available in accordance with the District of Columbia Housing Authority's Administrative Plan for the Section 8 Certificate and Housing Voucher Programs.
- 6100.4 The determination of eligibility and the process for the ultimate determination of ineligibility, including the informal conference and the option to request a review by an independent third party reviewer, are found in Section 6107.
- 6100.5 This Chapter also contains information on continued occupancy, such as recertification, adding individuals to the lease, and live-in aides in Sections 6116 and 6115.

**6101 APPLICATION**

- 6101.1 For the purposes of this Chapter, the term "application" means a prescribed form, and any additional supporting documents, required to be completed by each person seeking admission to public housing or the Housing Choice Voucher Program operated by DCHA.
- 6101.2 Each person seeking public housing owned and operated by DCHA or rental assistance through the Housing Choice Voucher Program is required to file an

application with DCHA. A person who has filed an application is referred to as an applicant.

6101.3 Each applicant shall receive written notification of receipt of application.

6101.4 When an applicant applies for public housing or the Housing Choice Voucher Program his or her application shall be placed on the appropriate waiting list(s) in accordance with Section 6103 after review of the application under 6102

**6102 APPLICATION REVIEW**

6102.1 Upon submission of an application, the Client Placement Division will assign a date and time to the application for placement on the waiting list.

6102.2 A review of all applications shall be conducted by the Client Placement Division based on the data contained in the signed application. This review is limited to determining the completeness of the application.

6102.3 Where a review of an application finds the application is incomplete, the Client Placement Division will contact the applicant and request the missing information.

6102.4 At the time an applicant is placed on the waiting list, the Client Placement Division will review the application for a debt to any public housing or Housing Choice Voucher program. If a debt is found, the Client Placement Division will send a notice to the applicant of the debt, information on how to obtain the amount of any debt, and qualification, if any, for any special abatement programs. The applicant will be required to resolve the debt issue before they can complete the eligibility determination process.

6102.5 Annually, an applicant is required to update his or her application in accordance with Section 6103 of this Chapter.

**6103 WAITING LISTS**

6103.1 DCHA maintains waiting lists for its public housing program (Mixed Population and General Population) and for its Housing Choice Voucher Program (Tenant Based and Project Based).

6103.2 DCHA shall place each applicant on a community-wide waiting list. The waiting list shall be maintained to ensure that applicants are referred to suitable unit types (for example, Mixed Population, General Population or accessible) and sizes. Family with disabled members may be identified by unit type and size.

6103.3 The waiting list shall be organized by unit type (Mixed Population and General Population), unit size, date and time of application and order of priority,

consistent with Subsection 6111.6 of this Chapter.

- 6103.4 Applicants who meet the criteria for preferences under Section 6105 of this Chapter may have priority over applicants without preferences.
- 6103.5 Applicant families which include persons with disabilities who require specific accessibility features shall receive priority for those units designed with specific accessibility features.
- 6103.6 The only other system for assigning priority to eligible applicants is date and time of application, unless otherwise specified in this Chapter including Sections 6111, 6112 and 6113 of this Chapter.
- 6103.7 DCHA will mail a waiting list update form to each applicant periodically.
- (a) Applicants who return a completed update form to the DCHA within thirty (30) days shall retain their place on the waiting list;
  - (b) If the applicant indicates that his/her circumstances have changed, the appropriate changes shall be made on the waiting list; and
  - (c) Applicants who do not return the completed update form within thirty (30) days shall be removed from the waiting list.
- 6103.8 Each applicant shall ensure that DCHA maintains his or her current mailing address at all times. Each change of address shall be reported in writing by the applicant.
- 6103.9 All applicants who update their applications shall be notified in writing of receipt of their updated information.

**6104 TEMPORARY CLOSURE OF THE WAITING LIST**

- 6104.1 If the number of families on the public housing or Housing Choice Voucher Program waiting list is such that there is no reasonable prospect that additional applicants for specific units types or sizes can be housed within the next twelve (12) months, the Executive Director, DCHA may approve action to do the following:
- (a) Suspend the taking of further applications for certain unit types, unit sizes, or projects developed for special purposes; and
  - (b) Limit application taking to certain specified periods of the year.
- 6104.2 When action is taken to suspend, limit or reopen the taking of applications, DCHA shall make known to the public through publication of notice in the D.C. Register and in newspaper(s) of general circulation, minority media, and other

suitable means the following:

- (a) The nature of the action; and
- (b) The effective date of the action.

6104.3 Action to suspend, limit or reopen the taking of applications shall not take effect without at least ten (10) calendar days advance notice to the public in accordance with Subsection 6104.2.

6104.4 Notwithstanding the suspension of application taking, DCHA may continue to take applications from priority applicants eligible for priority placement on the waiting list pursuant to Subsection 6105.2 of this Chapter.

**6105 PREFERENCES FOR PUBLIC HOUSING**

6105.1 At the time of application, applicants self-certify their preference. Verification of a preference is not required until an applicant reaches the top of the waiting list. Applicants will be required to provide verification that they meet the preference as part of the eligibility determination process.

6105.2 The granting of a preference does not guarantee admission to public housing. Preferences are used merely to establish the order of placement on the waiting list. Every applicant for public housing or the Housing Choice Voucher Program must also meet DCHA's Applicant Selection Criteria outlined in Section 6109 below.

(a) Preferences

(1) Mixed Population Properties

- (i) the following admission preference system will be applied in the selection of otherwise eligible applicants from the waiting list (based on the time and date of application) for a public housing unit offered in mixed population properties:

Preference #1: Elderly Families and/or Disabled Families

Preference #2: Near Elderly Families

Preference #3: All Other Families

- (ii) no individual shall be considered a person with disabilities, for purposes of eligibility for public housing under this Title, solely on the basis of any current drug or alcohol dependence.

(2) General Population Properties -- the following applicant admission categories, including percentages, will be applied to the selection

of otherwise eligible applicants from the public housing waiting list (based on the time and date of application) for public housing units offered in general population properties:

Category #1: Working Families (50% Annually)

Category #2: All Other Families (40% Annually)

(3) Emergency Applicants -- Up to 10% (not to exceed 100 units) annually of all applicants housed in the general and/or mixed-population properties will be selected from qualified applicants in the emergency category.

(b) If there are no applicants on the waiting list that qualify for the emergency category, otherwise eligible applicants will be selected for admission.

(c) The admission systems described above will work in combination with requirements to match the characteristics of applicant families to the type of units available, including units for targeted populations, e.g., elderly, disabled. The ability to provide public housing for qualified applicants will depend on the availability of appropriately sized public housing units.

6105.3 The Executive Director of DCHA, or his or her designee, shall determine which families qualify for emergency housing under Subsection 6105.2(b), taking into account severity of need, immediacy of need, the general public interest to be served, and the availability of units.

6105.4 The preferences for admission to the Housing Choice Voucher Program are found in the DCHA's Administrative Plan for the Section 8 Certificate and Housing Voucher Programs.

#### **6106 ELIGIBILITY**

6106.1 DCHA shall consider an applicant eligible for selection for public housing or the Housing Choice Voucher Program if the applicant meets the following criteria:

- (a) Qualifies as a family, as defined in Section 6099 of this Chapter;
- (b) Annual income does not exceed the income limits for admission under Section 6108 of this Chapter;
- (c) Family meets applicant family selection criteria under Section 6109 of this Chapter;
- (d) Family size meets the occupancy standards established by DCHA under Section 6110 of this Chapter; and

- (e) Family provides all required information and signs all required documentation, including proof of citizenship or eligible immigrant status.
- 6106.2 As applicants near the top of the waiting list, the Client Placement Division will mail written notice to the last address provided in order to obtain information needed for a determination of eligibility. The letter will state:
- (a) The date and time of the eligibility interview;
  - (b) The location where the eligibility interview will be held; and
  - (c) The documents the applicant should bring to the eligibility interview.
- 6106.3 A family or applicant may make one request to reschedule an eligibility interview for the convenience of the applicant up to thirty (30) days after the scheduled eligibility interview date. However, DCHA will reschedule an eligibility interview as a reasonable accommodation if the applicant can demonstrate that a disability prevented them from rescheduling within the prescribed time period.
- 6106.4 If the waiting list for the particular type of family applying is not lengthy, in the judgment of DCHA, an eligibility interview may be conducted at the time of the submission of application to DCHA.
- 6106.5 The eligibility interview will be held in order to collect eligibility data, determine eligibility and identify any special problems or needs. As part of the eligibility determination, an applicant will be provided the opportunity to complete a reasonable accommodation request. All information shall be verified as a part of the eligibility determination.
- 6106.6 During the eligibility interview, the Client Placement Division shall assist the applicant in completing any forms necessary. The following forms are to be completed or signed by the applicant:
- (a) Privacy Act Notice;
  - (b) Asset Certification Form;
  - (c) Verification of Date of Birth for each Household Member;
  - (d) Social Security Number Certifications:
    - (1) Social Security Numbers for each Household Member 6 year old or older; or
    - (2) Certification of inability to meet the documentation requirement where an applicant has a Social Security Number but no documentation; or

- (3) Certification that Social Security Numbers have not been issued.
  - (e) Picture ID for family members age eighteen (18) or older;
  - (f) Declaration of Section 214 Status (Non-citizen Rule);
  - (g) Verification of Preference or Admission Category;
  - (h) Verification of Full-time Student Status Form;
  - (i) Certification of Disability Form;
  - (j) Statement of Child Care Expense Form;
  - (k) Zero Income Statement;
  - (l) Verification of Income from Assets;
  - (m) Statement of Child Support;
  - (n) Income Verification (Employment, Public Assistance, Social Security);  
and
  - (o) Other Forms as may be required.
- 6106.7 At the end of the eligibility interview, the Client Placement Division shall provide the applicant with written notification of any missing or incomplete forms, information on how to determine if any debt remains unpaid to DCHA or any HCVP landlord, or any additional information which is to be provided by the applicant.
- 6106.8 If an applicant cannot complete all the necessary forms at the time of the interview, the interviewer may request that any additional required forms be completed by the applicant within a specified timeframe not to exceed ten (10) days.
- 6106.9 A written receipt shall be provided to the applicant for any additional information provided.
- 6106.10 Applicants who do not provide the additional items requested by DCHA pursuant to Subsection 6106.8 within ten (10) days, may request one (1) extension of time not to exceed ten (10) days.
- 6106.11 Applicants who do not provide additional items requested by DCHA pursuant to Subsection 6106.8 within ten (10) days, or within any additional period allowed



under Subsection 6106.9, shall be removed from the waiting list.

- 6106.12 If an applicant experiences difficulty in securing verification in the prescribed form, DCHA may accept other documents to expedite the certification process (for example, baptismal or school records could be used as proof of birth).

**6107 ELIGIBILITY DETERMINATION**

- 6107.1 After reviewing the application, additional supporting documents and obtaining necessary verifications, DCHA shall determine the applicant's eligibility in accordance with Section 6104 of this Chapter.

- 6107.2 Applicants determined to be eligible for housing shall be placed in the selection pool.

- 6107.3 DCHA must mail a letter to each applicant determined to be ineligible and the notification of ineligibility shall contain:

- (a) The date and time of the informal conference;
- (b) The location where the informal conference will be held;
- (c) The reason for the determination of ineligibility;
- (d) The applicant's right to bring new or additional information to the informal conference;
- (e) The type of additional documentation or information DCHA may need in order to reconsider an applicant's eligibility for the public housing and Housing Choice Voucher programs; and
- (f) The applicant's right to bring an attorney or any other representative to the informal conference.

- 6107.4 The informal conference shall be scheduled and/or rescheduled as follows:

- (a) The date of the informal conference shall be no sooner than fifteen (15) days and no later than thirty (30) days after the postmark date of DCHA's letter to the applicant.
- (b) A family or applicant may request to reschedule an informal conference for the convenience of the applicant any time up to two (2) days after the scheduled informal conference date. If a family or applicant fails to attend the conference rescheduled for their convenience they may make one final request for rescheduling any time up to two (2) days after the rescheduled informal conference date.

- (c) Notwithstanding Subparagraph (b) above, DCHA will reschedule an informal conference as a reasonable accommodation if the applicant can demonstrate that a disability prevented them from rescheduling within the prescribed time period.
- 6107.5 If the applicant does not attend the informal conference, a supervisor in the Client Placement Division will conduct a review of the application to determine if the applicant is eligible for public housing. This supervisory review will take place even where no additional information is provided by the applicant or the applicant's representative.
- 6107.6 Applicants determined to be eligible after the supervisory review or the informal conference will be notified in writing and placed in the selection pool.
- 6107.7 When an applicant is determined ineligible after the informal conference or supervisory review, the Client Placement Division will issue a letter informing the applicant of their right to:
- (a) A review by an independent third party acceptable to DCHA willing to review applicant files *pro bono*; and
  - (b) Bring a grievance pursuant to Chapter 63 or Chapter 89 of this Title.
- 6107.8 When an applicant is determined ineligible for public housing or the Housing Choice Voucher Program, the applicant will be removed from the waiting list and his or her application will be retained up to three years in an inactive status.
- 6107.9 Applicants who were determined ineligible solely by reason of an unpaid debt may, at any time during their inactive status, provide evidence that the debt has been paid or otherwise resolved. These applicants may be returned to the waiting list with the same date and time of application as the date and time the applicant had when the applicant was placed on inactive status.
- 6108 INCOME LIMITS**
- 6108.1 To be eligible for admission to public housing or the Housing Choice Voucher Program an applicant's annual income shall be within the limits of lower income families established by HUD, based on the family size.
- 6108.2 Income limits for lower income families and very low income families shall be as established and revised periodically by HUD. HUD establishes low income limits based on eighty percent (80%) of the area median income, very low income limits based on fifty percent (50%) of the area median income, and extremely low income limits based on thirty percent (30%) of the area median income.
- 6108.3 Income limits shall be applied on admission to public housing.

6108.4 Based on HUD regulations, DCHA shall ensure that actual admission of eligible lower income families from waiting list is as follows: at least forty percent (40%) shall be families with extremely low incomes at the time of commencement of occupancy.

**6109 APPLICANT FAMILY SELECTION CRITERIA**

6109.1 Information that will be considered in screening an applicant shall be reasonably related to assessing the applicant and other applicant family members listed on the application. The applicant's history (e.g., employment history, personal habits or practices, and/or rental or personal credit history) must demonstrate the capacity to comply with the terms of the DCHA lease. If the applicant requires support (e.g., live-in aide) to enable him/her to meet the standards identified below, the applicant must demonstrate that the necessary support would be available at the time of admission. Additionally, the applicant, including the applicant's family must be willing to:

- (a) Not interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting the health, safety, or welfare of the other residents or the community;
- (b) Enhance and/or maintain the physical environment or financial stability of the project;
- (c) Help create an environment where young people, especially children, can live, learn, and develop into productive and responsible citizens;
- (d) Attend and complete DCHA's Community Living Training Program, prior to admission; and
- (e) Comply with the terms and conditions of the DCHA lease.

6109.2 DCHA will utilize the following methods in determining an applicant's eligibility for admission: reference checks, including current and/or previous landlords, consultations with current and/or former neighbors, conducting home visits, reviewing police reports and/or criminal background checks of each member of the applicant family, including juveniles, as may be permitted by law.

6109.3 Relevant information respecting personal habits or practices to be considered in the admission process, may include, but is not limited to, the following:

- (a) An applicant's past performance in meeting financial obligations, especially rental payment obligations. (An applicant who is responsible for any debt to DCHA, any other housing authority, or any landlord participant in any federally assisted housing program (e.g., the Housing

Choice Voucher Program) may not be admitted or readmitted until the debt is paid or otherwise satisfied; and

- (b) A record of respecting the rights of others, as defined in the DCHA lease; and
- (c) The conviction of any applicant family member for a crime involving physical violence against persons or property or other criminal convictions that may adversely affect the health, safety, or welfare of other DCHA residents, staff, or other members of the community, e.g., distribution or manufacture of illegal drugs or controlled substances, possession of an unlicensed firearm and/or ammunition, or child molestation; and
- (d) A determination that the applicant has committed fraud in connection with any Federal housing assistance program or any local housing assistance program; and
- (e) An applicant's misrepresentation of any information related to eligibility, including, but not limited to, the award of a preference for admission, family composition, or income.

6109.4 If an applicant is determined eligible and qualified for admission, the applicant will be referred to a public housing property for housing, consistent with Section 6111 of this Title. Notwithstanding, prior to the applicant signing a DCHA lease, if the relevant property manager uncovers information regarding the applicant that would lead a reasonable person to believe that housing the applicant on the relevant property would interfere with the other residents' peaceful enjoyment of the premises by adversely affecting the health, safety, or welfare of the other residents or the community, the property manager shall so advise the Client Placement Division and refer the application for further consideration. The Client Placement Division will then conduct a further review of the application, taking into consideration the information provided.

6109.5 If unfavorable information is received as a result of the investigation conducted pursuant to Subsections 6109.2 or 6109.4 above, consideration shall be given to the time, nature, and extent of the applicant family's conduct, and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. Mitigating circumstances might include, but are not limited to:

- (a) Evidence of favorable changes in the applicant's pattern of behavior, including the length of time since an offense or behavior was committed; or
- (b) Evidence of successful rehabilitation, e.g., evidence that the responsible member of the applicant family is not likely to repeat the prior criminal behavior, evidence that neither the applicant nor any member of the

applicant family is likely to cause harm to the other public housing or Housing Choice Voucher Program residents, DCHA staff, or other members of the community; or

- (c) Evidence of the applicant's participation in or willingness to participate in relevant social service activities or other appropriate counseling services; or
- (d) Evidence of the applicant's modification of previous disqualifying behavior, with indications of continuing support intended to assist the applicant in modifying the disqualifying behaviors.

6109.6 With respect to criminal conviction(s) or activity:

- (a) The DCHA may deny admission to public housing or the Housing Choice Voucher Program to any applicant:
  - (1) If any adult member of the applicant's family (or any non-adult member who has been convicted of a crime as an adult) has been convicted of a felony, or a misdemeanor involving destruction of property or acts of violence against another person; or
  - (2) If the applicant or a member of the applicant's family has participated in violent criminal behavior within the last five years for which he/she has not been convicted. This violent criminal behavior must be documented by an arrest record, parole violation report, law enforcement criminal history report, or other official law enforcement record.
- (b) DCHA shall deny admission to any applicant who has been evicted from housing assisted under the United States Housing Act, for drug-related criminal activity for a three year period beginning from the date of the eviction.
- (c) In determining whether an applicant, as identified in Subparagraphs (a) and/or (b) will be admitted into public housing or the Housing Choice Voucher Program, DCHA shall make an assessment of the applicant's (or the relevant member of the applicant's family) behavior to determine whether he/she currently demonstrates that he/she has been rehabilitated. Factors that DCHA may consider include, but are not limited to, the following: acknowledgment of culpability; adequate and suitable employment or participation in a generally recognized training program; substance abuse treatment, if necessary; successful completion of therapy directed at correcting the behavior that lead to the criminal activity; and existence of a support network or support systems.

- (d) In collecting relevant information necessary to make the assessment described in Subparagraph (c) above, DCHA shall, at its sole discretion, determine the extent and depth of the verification for each applicant. Information may be requested from various sources, including, but not limited to, the applicant (by interview and/or home visit), landlords, clergy, employers, family members, social workers, parole officers, court records, drug treatment counselors, neighbors, and/or police department records.
- (e) DCHA shall prohibit admission of any family that includes any individual who is subject to a lifetime registration requirement under any sex offender registration program (e.g., state, local or international). DCHA shall, upon request, provide the tenant or applicant with a copy of the registration information and an opportunity to dispute the accuracy and relevance of that information.
- (f) DCHA shall prohibit admission for any individual that has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine or production of methamphetamine on the premises of federally assisted housing.

6109.7 Care and consideration shall be used in soliciting personal information concerning the applicant and his/her family members, and appropriate authorizations shall be obtained for the release of information, as necessary, from each applicant family. Any information received regarding an individual applicant will be used solely for the purpose of determining eligibility and will not be released for any other use, unless such release is required by law. Failure to sign the required release forms or the failure to submit information determined necessary to establish eligibility, shall result in the applicant's removal from the waiting list. If the applicant is removed from the waiting list because of such a failure, the informal conference procedures set forth in Section 6107 shall not apply.

6109.8 The DCHA Applicant Family Selection Criteria will not be used to determine eligibility of residents for continuing occupancy in the same public housing unit. Eligibility for continuing occupancy in the same unit will be made in accordance with the terms and conditions of the DCHA lease.

6109.9 Resident requests for transfers will be subject to this Section -- Applicant Family Selection Criteria-- and shall be a requirement for transfer of residents and the execution of new leases. This Section will not be applicable to DCHA initiated transfers or approved emergency medical transfers.

**6110 OCCUPANCY STANDARDS**

6110.1 Standards for admission and continued occupancy shall be established to avoid overcrowding and wasted space, and each dwelling unit shall be leased in

accordance with the standards of this Subtitle and Subtitle A of this Title.

- 6110.2 Tenants shall be assigned to dwelling units which consist of the number of rooms necessary to provide decent, safe and sanitary accommodations without overcrowding or wasting space. The following standards for unit size at admission, and for continued occupancy, shall apply:

Unit Size (Number of Bedrooms)	Minimum Number of Persons in Unit	Maximum Number of Persons in Unit
0	1	1
1	1	2
2	2	4
3	4	6
4	6	8
5	8	10
6	10	12

- 6110.3 Dwelling units shall be assigned in a manner that will eliminate the need for persons of the opposite sex, other than husband and wife, to occupy the same bedroom.
- 6110.4 Every member of the family, regardless of age, shall be considered a person when applying the standards for admission and continued occupancy. In accordance with Chapter 74, DCHA will consider unit assignment to a larger size to provide a separate bedroom for a disabled person, if verified as medically necessary.
- 6110.5 Each dwelling unit shall be used solely as a residence for the tenant and the tenant's family as represented in the application for housing, and the dwelling lease.
- 6110.6 When possible, occupancy shall be restricted at admission to minimum requirements to allow for family growth.
- 6110.7 Application of occupancy requirements for continued occupancy shall be consistent with Subsection 6114.7 and Subsection 6205.2 of this Chapter.

#### **6111 TENANT ASSIGNMENT**

- 6111.1 When an applicant reaches the top of the waiting list, DCHA shall review the applicant's file to determine whether the information is current and correct. Information shall be considered current if it was submitted and verified by DCHA within no more than ninety (90) days prior to tenant assignment.

- 6111.2 If updated information is required, the applicant shall be required to submit information in accordance with Section 6106 of this Chapter.
- 6111.3 Eligible applicants shall be offered an appropriate unit, when available, consistent with the priorities and requirements of this Title.
- 6111.4 Each applicant shall be assigned an appropriate unit, on a community-wide basis, in sequence based upon the date and time of application, suitable type or size or unit, preference, consistent with the objectives of Title VI of the Civil Rights Act of 1964, and applicable HUD regulations and requirements.
- 6111.5 Suitable vacancies arising at a given time at any location shall be offered to the selected applicant first in sequence at the time of vacancy; provided, that referrals may be made out of sequence in the following situations:
- (a) For applicants with a preference or in the emergency category, assignments shall be made to units in sequence based upon the date and time of application, as indicated in Section 6105;
  - (b) For low income families, as indicated in Subsection 6105;
  - (c) For disabled families as indicated in Section 6112; and
  - (d) For comprehensive modernization properties and new developments as indicated in Section 6113.
- 6111.6 Applicants shall be offered vacancies pursuant to Subsections 6111.6 through 6111.13.
- 6111.7 If a suitable vacant unit exists in more than one (1) location, the applicant shall be offered the unit at the location that contains the largest number of vacancies.
- 6111.8 If the applicant rejects the first vacancy offered, the applicant shall be offered a suitable unit, when available, at the location containing the next highest number of vacancies.
- 6111.9 If the applicant rejects two (2) such offers, he or she shall be removed from the waiting list. Offers shall be made in sequence, and there shall have been a rejection of a prior offer before the applicant may be offered a second location.
- 6111.10 If the applicant is willing to accept the unit offered but is unable to move at the time of the offer, and presents clear evidence to DCHA's satisfaction of his or her inability to move, refusal of the offer shall not count as one of the number of allowable refusals permitted the applicant before removing the applicant from the waiting list.



- 6111.11 If the applicant presents evidence to the satisfaction of DCHA that acceptance of a given offer of a suitable vacancy may result in undue hardship not related to considerations of race, sex, color, or national origin, such as inaccessibility to employment, children's day care, refusal of such an offer shall not be counted as one of the number of allowable refusals permitted an applicant before removing the applicant from the waiting list.
- 6111.12 If a non-disabled family refuses to accept a vacancy in an accessible unit, the refusal shall not be counted as one of the allowable refusals.
- 6111.13 The following timing requirements shall be applicable to any offered vacancies:
- (a) The offer of a unit to an applicant shall be in writing, and the applicant shall contact DCHA within five (5) working days of the date of the written notification to schedule an appointment to inspect the unit offered;
  - (b) The appointment to inspect the unit shall be schedule within three (3) working days of the date the applicant contacts DCHA;
  - (c) After the applicant has inspected the unit offered, the applicant shall, within twenty-four (24) hours, notify DCHA of acceptance or refusal of the unit offered; and
  - (d) If the applicant fails to meet any of these timing requirements, DCHA shall consider the failure as a rejection of the unit offered, and DCHA may offer the vacancy to the next applicant in order of priority.
- 6111.14 Applicants with preferences who decline a unit for reasons other than those allowed in Subsections 6111.10, 6111.11 or 6111.12 shall lose their preference provided in Subsection 6105.2, and shall be placed on the regular waiting list in accordance with their date and time of application.
- 6111.15 The following timing requirements shall be applicable to any offered vacancies:
- (a) The offer of a unit to an applicant shall be in writing;
  - (b) The appointment to inspect the unit shall be schedule within three (3) working days of the date the applicant contacts HMA;
  - (c) After the applicant has inspected the unit offered, the applicant shall, within twenty-four (24) hours, notify HMA of acceptance or refusal of the unit offered; and
  - (d) If the applicant fails to meet any of these timing requirements, HMA shall consider the failure as a rejection of the unit offered, and HMA may offer

the vacancy to the next applicant in order of priority.

**6112        TENANT SELECTION AND ASSIGNMENT: FAMILIES WITH DISABILITIES**

6112.1        In the selection of families to occupy units with special accessibility features for persons with disabilities, DCHA will first offer such units to families on its transfer list that include persons with disabilities who require such accessibility features over new admissions. If vacancies cannot be filled with families on the transfer list, then eligible families with disabilities on the waiting list will be offered the unit.

6112.2        If units with special accessibility features are vacant for a period of more than thirty (30) days, and there are no families with disabilities requesting the reasonable accommodation on the transfer or waiting lists, DCHA may offer the unit to an applicant who does not need the features available in the unit consistent with Section 6111 of this Chapter.

6112.3        Applicant families who do not need the accessibility features available in an offered unit, pursuant to Subsection 6112.2 and the provisions of their lease, shall be transferred to another unit if a family in need of the accessibility features of said unit is identified.

**6113        TENANT SELECTION AND ASSIGNMENT: COMPREHENSIVE MODERNIZATION PROPERTIES AND NEW DEVELOPMENT**

6113.1        Tenants and applicants shall be required to meet the following additional criteria prior to being assigned to a comprehensive modernization or newly developed housing property:

- (a)    Attend a mandatory training program (if available and offered);
- (b)    Be current in rent and other charges (for current DCHA tenants);
- (c)    Not be in violation of the dwelling lease (for current DCHA tenants); and
- (d)    Meet the criteria set forth in Section 6105 of this Chapter.

6113.2        As renovated units become available for initial occupancy at comprehensive modernization properties, vacancies shall be filled (by tenants or applicants meeting the criteria of Subsection 6113.1) based on the following priorities:

- (a)    First preference to former property residents who were relocated to another DCHA dwelling unit or relocated with a Housing Choice Voucher;
- (b)    Second preference to DCHA tenants in other properties who have been

identified as inappropriately housed;

(c) Third preference to other tenants who have requested a transfer; and

(d) Fourth preference to applicants from the DCHA waiting list.

6113.3 Consistent with the priorities listed in Subsection 6113.2, tenants or applicants shall be assigned to available units in accordance with Subsection 6111.5 of this Chapter.

6113.4 As units become available for initial occupancy at newly developed housing, the priorities in Subsection 6113.2 shall be applied, except that Subsection 6113.2(a) shall not be applicable.

#### **6114 MOVE-IN REQUIREMENTS**

6114.1 Applicants from the waiting list who accept a unit shall pay one (1) month's tenant rent and a security deposit prior to signing the dwelling lease. All rent and security deposits shall be paid by check or money order only.

6114.2 DCHA shall determine if the applicant's application is current, shall schedule an appointment with the applicant, and at the appointment shall do the following:

(a) Review and complete all required certifications of eligibility and the dwelling lease; and

(b) Obtain the applicant's signature on all required documents.

6114.3 The tenant shall attend any training required by DCHA.

6114.4 DCHA shall schedule a move-in date for the new tenant upon execution of the documents described in Subsection 6114.2 and shall provide the new tenant with copies. DCHA shall also conduct a move-in inspection in accordance with Section 6505 of this Subtitle.

#### **6115 ADDING INDIVIDUALS TO THE LEASE AND LIVE-IN AIDES**

6115.1 A family must request approval from DCHA to add any person, including other family members, as an occupant on their lease.

6115.2 The following shall apply to residents seeking to alter the status of their households in the following manner:

(a) Residents seeking to add persons to the lease by marriage, reconciliation, or other changes in family composition that would add an adult person to a DCHA family, including the addition of a verified live-in aide or a remaining member of a household who wants to become head of

household, will be subject to the DCHA Applicant Family Selection Criteria outlined in Section 6109 with respect to the new adult applicant.

- (b) Residents altering the status of their family by adding minor children other than by birth, such as by adoption or court-awarded custody of a child or adult, must notify DCHA at the time of the adoption or court-awarded custody and DCHA may require the family to transfer to an appropriately sized unit that will not result in overcrowding or occupancy in excess of the standards identified at Section 6110 of this Title.

6115.3 Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- (a) Is determined to be essential to the care and well-being of the person(s);
- (b) Is not otherwise legally or financially obligated for the support of the person(s); and
- (c) Would not be living in the unit except to provide the necessary supportive services.

6115.4 A live-in aide is subject to approval of DCHA prior to occupancy. At any time, DCHA may refuse to approve a particular person as a live-in aide, or may withdraw such approval. A live-in aide resides in a unit identified on a lease, but is not a lessee with rights of tenancy, or a resident with rights to participate in resident council. A live-in aide must abide by all the rules and regulations of DCHA as well as those of the particular property where they reside. DCHA will provide a thirty (30) day written notice to a resident of a determination to withdraw approval of a live-in aide. This decision by DCHA is subject to the Grievance Process available to tenants under Chapter 63 or Chapter 89 of this Title.

6115.5 The income of an approved live-in aide shall not be included in the calculation of rent, and the name of an approved live-in aide shall not be added as a tenant to the dwelling lease.

#### **6116 RECERTIFICATION**

6116.1 To ensure that residency in public housing is restricted to families continuing to meet the eligibility requirements, and that such families are charged appropriate rents, the eligibility status and the income of each tenant family shall be recertified by DCHA on at least a regular annual basis.

6116.2 A tenant shall be eligible for continued occupancy if the tenant meets the following criteria:

- (a) Meets the established occupancy standards;

- (b) Has no outstanding lease violations; and
  - (c) Continues to meet the Applicant Family Selection Criteria, consistent with Section 6109 of this Chapter.
- 6116.3 Eligibility for continued occupancy shall be determined at least through recertification.
- 6116.4 The tenant shall be responsible for providing to DCHA a completed application for continued occupancy, including the appropriate forms related to verification. Tenants shall be required to return the recertification packages including any required substantiating documentation or verification forms, to DCHA within thirty (30) days of receipt.
- 6116.5 If the tenant experiences difficulty in securing the required information which may result in a delay of the recertification process, DCHA may accept other types of documentation to expedite the process (for example, baptismal or school records could be used as proof of birth).
- 6116.6 Each tenant who does not return his or her completed recertification package within thirty (30) days shall be considered in violation of his or her lease, and shall be issued a Notice to Correct or Vacate.
- 6116.7 DCHA shall review the recertification package for accuracy and completeness, which shall include the requirements of Subsections 6116.6 through 6116.9.
- 6116.8 DCHA shall compare the family size and annual income to the currently applicable income limits. If the annual income does not exceed the maximum income limits, the tenant shall continue to be eligible. If the annual income exceeds applicable income limits, the tenant shall be ineligible for continued occupancy, and shall be notified of this determination in writing.
- 6116.9 DCHA shall compare the family size to the occupancy standards in Section 6110 and the requirement of Subsection 6205.5 of this Subtitle. If a family is found to be overcrowding or under occupying its dwelling unit, they shall be required to move into a dwelling unit of appropriate size when such a dwelling unit becomes available. A family, overcrowded in the largest-size dwelling unit in the public housing inventory may be allowed to remain.
- 6116.10 DCHA shall compare adjusted income with current tenant rent charges, and determine any required change in rent level in accordance with Chapter 62 of this Subtitle. Any decrease in tenant rent shall be effective at the start of the month following completion of the recertification. Any increase in tenant rent shall be effective at the start of the month following thirty (30) day notice of a rent increase to the tenant, in accordance with Chapter 62 of this Subtitle.

6116.11 Upon completion of the recertification, DCHA shall review any findings with the tenant, if necessary, and shall secure the tenant's signature on all required documents, and provide the tenant with written notification of receipt of the documents.

6116.12 Tenants who are determined ineligible for continued occupancy based on income may remain in occupancy until DCHA has identified a unit on the private market that is safe, sanitary, and decent, and that has a rental rate that does not exceed thirty percent (30%) of the family income.

6116.13 Tenants shall be issued a Notice to Vacate at the same time a suitable private market unit is identified. If the tenant should refuse to move to the identified unit, DCHA shall initiate eviction proceedings.

**6117 REPORTING CHANGE OF INCOME AND INTERIM RECERTIFICATION**

6117.1 It shall be the tenant's responsibility to report to DCHA any change in family circumstances, including changes in family size or income, as soon as the change occurs.

6117.2 When the tenant reports a change in family circumstances, DCHA shall determine if there is a need to perform an interim recertification based on the following:

- (a) If the tenant's annual recertification is in progress, or is scheduled to begin within ninety (90) days, no interim recertification shall be conducted, but the time of the scheduled annual recertification may be advanced;
- (b) If the tenant is reporting a decrease in income and the annual recertification process is not in progress, or scheduled to begin within ninety (90) days, an interim recertification shall be conducted; or
- (c) If the tenant is reporting an increase in income, an interim recertification shall be conducted only if the following applies:
  - (1) The increase in adjusted income is ten thousand dollars (\$10,000) a year or more; or
  - (2) It is determined that a household member has misrepresented his or her income.

6117.3 Interim recertification shall be performed by DCHA in accordance with Section 6116 of this Chapter.

**6118 RETROACTIVE RENT CHARGES**

- 6118.1 When the tenant has misrepresented the facts upon which the tenant rent is based, or has failed to furnish timely required income verifications to DCHA without good cause approved by DCHA, to the extent that the amount of tenant rent charged is less than it should have been, DCHA shall assess the tenant a retroactive rent charge.
- 6118.2 The amount of the retroactive charge shall be the additional amount of tenant rent the tenant would have been charged if there had not been misrepresentation, or failure to furnish income verification, by the tenant.
- 6118.3 If it is found at the time of recertification that the tenant failed to report changes in annual income as they occurred, and the changes would have required a higher tenant rent, the increased rent shall be made retroactive to the date the rent would have increased had the tenant made the report.
- 6119 REASONABLE ACCOMMODATION NOTIFICATION**
- 6119.1 It is the policy of DCHA to grant reasonable accommodations pursuant to Chapter 74 of this Title. As provided in Chapter 74, DCHA will provide notice of the availability of reasonable accommodations for applicants, residents, and participating families. Reasonable accommodations can be requested by applicants, residents and participating families at any stage of the public or assisted housing application process or during occupancy.
- 6119.2 All applicant requests for reasonable accommodations shall be filed with the Client Placement Division and reviewed by the Program Manager or designee. The policies and procedures to request reasonable accommodations for applicants, residents, and participating families are applied pursuant to Chapter 74 of this Title.
- 6120 GRIEVANCE PROCEDURES**
- 6120.1 Any applicant seeking admission to public housing operated by DCHA who believes that he or she has been aggrieved, or adversely affected by an act or failure to act by a DCHA employee or official, may file, with the DCHA, a complaint requesting an administrative determination of his or her rights as provided for in 14 DCMR Chapter 63. Applicants seeking admission to the Housing Choice Voucher Program housing may file a complaint as provided in 14 DCMR Chapter 89."

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than fifteen (15) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Office of the General Counsel, District of Columbia Housing Authority, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599. Copies of these proposed rules may be obtained from the DCHA at the same address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., WEST TOWER, SUITE 200  
WASHINGTON, DC 20005

NOTICE OF PROPOSED RULEMAKING

TT03-1, In the Matter of the Application of Verizon Washington DC, Inc., for  
Authority to Amend the Local Exchange Services Tariff,  
P.S.C. – D.C. No. 203

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to D.C. Code, 2001 Ed. § 2-505, of its intent to act upon the application<sup>1</sup> of Verizon Washington DC, Inc. ("Verizon DC") in the above-captioned matter in not less than 60 days from the date of publication of this Notice of Proposed Rulemaking in the *D.C. Register*.

2. On June 2, 2003, Verizon DC filed an application with the Commission requesting authority to amend the following tariff pages:

GENERAL INDEX, INTRASTATE TARIFFS, P.S.C.-D.C.  
Index, 3<sup>rd</sup> Revised Page 7  
LOCAL EXCHANGE SERVICES TARIFF P.S.C. – D.C. NO. 203  
Section 31, 3<sup>rd</sup> Revised Page 1  
2<sup>nd</sup> Revised Page 2  
Original Pages 3 and 4

3. If approved, this filing would introduce two new local package options, Local Package Basis and Local Package Plus. These packages are packages of bundled residential services that combine local service and various features. These two packages include unlimited local and InterLATA toll calling, Home Voice Mail, and other features.

4. The complete text of the proposed tariff pages is on file with the Commission. Copies of the proposed tariff pages can be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., 2<sup>nd</sup> Floor, West Tower, Washington DC, 20005, between the hours of 9:00 a.m. and 5:30 p.m. Monday through Friday. Copies of the tariff pages are available upon request, at a per-page reproduction fee. Comments on the proposed tariff revisions, setting forth the specific grounds for each representation, should be made in writing to Sanford M. Speight, Acting Commission Secretary, at the

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<sup>1</sup> TT03-1, *In the Matter of the Application of Verizon Washington DC, Inc., for Authority to Amend the Local Exchange Services Tariff, P.S.C. – D.C. No. 203*, Letter from J. Henry Ambrose, Vice President, Regulatory Matter, Verizon Washington DC, Inc. to Sanford M. Speight, Acting Commission Secretary, filed June 2, 2003.



above address. Comments must be received within 45 days of publication of this NOPR in the *D.C. Register*. Reply Comments may be filed within 60 days of the publication of the NOPR, after which time the Commission will take final action on Verizon DC's application.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PROPOSED RULEMAKING**

**Z.C. Case No. 03-01**

**(Map Amendment – Square 3187, Lots 50, 823, 826, and 834)  
(Chestnut Street, N.W. to Spring Place, N.W., on the east side of Blair Road, N.W.,  
including the north side of Spring Place, N.W.)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2001)), hereby gives notice of its intent to amend the Zoning Map of the District of Columbia in the manner described below. The purpose of this rezoning initiative is to adopt a zoning designation for the subject property that is not inconsistent with the Comprehensive Plan Amendments Act of 1994 or with the Takoma Plan adopted by the Council of the District of Columbia on June 4, 2002. The proposed map amendment applies to property between Chestnut Street, N.W. and Spring Place, N.W., located on the east side of Blair Road, N.W. and including the north side of Spring Place, N.W. (Square 3187, Lots 50, 823, 826, and 834).

Final rulemaking action shall be taken in not less than thirty (30) days from the date this notice is published in the D.C. Register.

The specific proposed amendments to the Zoning Map of the District of Columbia is as follows:  
Square 3187, Lots 50, 823, 826, and 834 – rezone from C-M-1 to C-2-A.

All persons wishing to comment on the subject matter of this proposed rulemaking should file comments in writing to the Zoning Commission for the District of Columbia, c/o the Director, Office of Zoning, 441 Fourth Street, N.W., Suite 210S, Washington, DC 20001. Comments must be received no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Copies of this list of proposed map amendments may be purchased at cost by writing to the above address.